

Subject: Small Claims Patent Court Comments

Date: Thursday, September 1, 2022 at 6:04:34 PM Eastern Daylight Time

From: Paul Hayes

To: ACUS Information

CC: Kazia Nowacki, Paul Morinville

Administrative Conference,

I am an inventor with multiple patents granted and pending.
I have had a patent invalidated at PTAB. It was the first patent that I attempted to protect in court.
I have found that our current system does not allow individuals like me to defend our patent rights and benefit from our intellectual property.
For small entities like me, my experience is that the more valuable a patent, the more likely it will be taken to the PTAB and invalidated by a large corporation.
This is the opposite of what was intended for the U.S. Patent System.
Rather than a small claims court, there should be a SMALL ENTITY court, that allows a small entity to defend its patent rights. It needs the due process of an Article III court, but must be faster and less expensive.
The PTAB works well to invalidate a disruptive patent from a small individual, but offers little help in sorting the good patents from the bad; as 84% [US Inventor] of patents instituted at PTAB have eventually been invalidated by a large corporation.
Real innovation in the U.S. has ground to a halt, while large incumbent corporations, foreign and domestic, hide behind the PTAB and stifle real innovation, or just steal it for themselves.

Sincerely,
Paul V. Hayes

